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Debra P. Hackett
Clerk, U.S. District Court
15 LEE ST STE 206
MONTGOMERY AL 36104-4055

July 16, 2008

Appeal Number: 08-12970-H
Case Style: Jeffery Baker, Jr. v. Russell Thomas
District Court Number: 06-00061 CV-N

TO: Debra P. Hackett
CC: Jeffery Baker, Jr.
CC: Cecil G. Brendle, Jr.
CC: Troy King
CC: Administrative File

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

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The enclosed certified copy of this Court's order denying the application for a Certificate of Appealability is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Also enclosed is the record on appeal, which consists of:
1 box original papers.

The district court clerk is requested to acknowledge receipt on the copy of this letter enclosed to the clerk.

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: Case Initiation Blue Team/wl/404-335-6125

Encl.

IN THE UNITED STATES COURT OF APPEALS

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ELEVENTH CIRCUIT

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DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

JUL 16 2008

THOMAS K. KAHN
CLERK

JEFFERY BAKER, JR.,

Petitioner-Appellant,

versus

RUSSELL THOMAS,
Sheriff,
TROY KING,
The Attorney General of the State of Alabama,

Respondents-Appellees.

Appeal from the United States District Court for the
Middle District of Alabama

ORDER:

To merit a certificate of appealability, appellant must show that reasonable jurists would find debatable both (1) the merits of an underlying claim and (2) the procedural issues he seeks to raise. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 478, 120 S.Ct. 1595, 1600-01, 146 L.Ed.2d 542 (2000). Because appellant has failed to satisfy the second prong of Slack's test, the motion for a certificate of appealability is DENIED.

Appellant's motion to proceed in forma pauperis is DENIED AS MOOT.

A True Copy - Attached:
Clerk, U.S. Court of Appeals
Eleventh Circuit

By: Wardell G. Lovelace
Deputy Clerk
Atlanta, Georgia

/s/ Gerald B. Tjoflat
UNITED STATES CIRCUIT JUDGE